07-26-04

Docket No.: 067234-0056

PATENT S

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Customer No.: 41552

CHEE, et al.

Confirmation Number: 7034

Serial No.: 09/513,362

Group Art Unit: 1637

Filed: February 25, 2000

Examiner: STRZELECKA, Teresa E.

For: NUCLEIC ACID SEQUENCING USING MICROSPHERE ARRAYS

CERTIFICATE OF MAILING BY EXPRESS MAIL(37 CFR § 1.10)

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Jul 22, 2004.

Jose R. Lopez, Jr.

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby appeal(s) to the Board of Appeals from the decision dated January 22, 2004 of the Primary Examiner finally rejecting claims 1 to 34.

07/27/2004 SDIRETAL 00000037 502624 09513362

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165.00 DA

Appeal Fee:	<u>\$165.00</u>
	Not required (fee paid in prior appeal in this application).
\boxtimes	Charge to Deposit Account No. 502624.
	Check Enclosed.
	Respectfully submitted,
	MCDERMOTT WILL & EMERY LLP Astrid R. Spain Registration No. 47,956

4370 La Jolla Village Drive, Suite 700 San Diego, CA 92122

858.535.9001 ARS:jrl Facsimile: 858.597.1585 **Date: July 22, 2004**